



3634 *ITW*
Atty. Docket No.: 8S08.1-162
Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: JONES, Keith D.)	
)	
Serial No.: 09/954,838)	Art Group: 3634
)	
Filed: September 12, 2001)	Examiner: CHIN-SHUE, A.
)	
For: "ADJUSTABLE SAFETY LINE")	Confirmation No.: 8157

Mail Stop **Amendment**
Commissioner for Patents
Post Office Box 1450
Alexandria, Virginia 22313-1450

May 18, 2006

SUBMISSION OF DECLARATION OF NON-OBVIOUSNESS

Dear Sir:

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CERTIFICATE OF MAILING

I hereby certify that this correspondence and the papers indicated to be attached are being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on this 18th day of May, 2006.

al

Alicia Howell

May 18, 2006
Date

This Applicant submits herewith a photocopy of a Declaration Under Rule 1.132 Regarding Secondary Considerations of Non-Obviousness, as signed by the Assignee in connection with a related application.

The Examiner is requested to consider the evidence of this Declaration and submit a favorable response.

Should there be any additional matters to discuss, Applicant kindly requests the Examiner to contact the undersigned attorney.

Respectfully submitted,

GARDNER GROFF SANTOS &
GREENWALD, P.C.

A handwritten signature in black ink, appearing to read 'Arthur A. Gardner', is written over a horizontal line.

Arthur A. Gardner
Reg. No. 33,887

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Tel: 770/984-2300
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: JONES, D. Keith)	
Serial No.: 40/982,033)	Art Group: 3624
Filed: November 5, 2004)	Examiner: CHIN SHUE, Alvin C.
For: ADJUSTABLE SAFETY LINE)	Confirmation No.: 8834
)	

Mail Stop Amendment
Commissioner for Patents
Post Office Box 1450
Alexandria, Virginia 22313-1450

May 15, 2006

Declaration Under Rule 1.132 Regarding
Secondary Considerations of Non-Obviousness

Sir:

The following Declaration is submitted with the Response responsive to the Office Action mailed January 9, 2006.

COPY

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I hereby certify that this correspondence and the papers indicated to be attached are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on this 15th day of May 2006.

Ah

Printed Name: Alicia Howell

may 15, 2006

Date

I, BRADLEY FITZGERALD, HEREBY DECLARE:

1. I am the Production Engineer of Summit Treestands, LLC (hereinafter referred to as "Summit), the assignee of the entire right, title, and interest of the present application.

2. I am familiar with the invention of the present application and am well acquainted with the subject matter thereof.

3. Summit has been selling a device, an adjustable safety line or "safety rope" (as it is called by Summit) to be used with the claimed method of the present application, since around 2002, as shown in Exhibit 1. Exhibit 1 also includes instructions for using the safety rope. As shown and described in the "Instructions for using the Safety Rope," a method for preventing injury to a user due to a fall from an elevated position using a safety rope system includes the steps of

securing a standing rope line of the safety rope system to a tree, pole or the like adjacent the elevated position; (steps 1 and 2)

slidably connecting a sliding rope coupler of the safety rope system comprising a prusik hitch to the standing rope line, whereby the sliding rope coupler is freely movable along the standing line when not loaded, but resists movement relative to the standing line when under load; (step 3)

coupling the sliding rope coupler to a harness worn by the user; (step 3) and
from time to time repositioning the sliding rope coupler along the standing line as needed, (step 4)

whereupon in the event the user should fall from the elevated position the sliding rope coupler comprising a prusik hitch grabs against the standing rope line to act as a brake to arrest the fall of the user and wherein the harness, the standing rope line, and the sliding rope coupler do not support the weight of the user except in the event that the platform, seat, or other device should fail or the user should fall off thereof. (as implied in step 6).

4. Since 2002, Summit has sold at least 4,260 adjustable safety ropes, for use with the claimed method of the present invention. Additionally, since 2002, Summit has sold

at least 304,381 treestands and at least 61,346 harnesses, which each incorporate the adjustable safety rope to be used with the claimed method of the present invention.

5. Since Summit began selling its adjustable safety line, North Starr Treestands Inc. of Hillsdale, Michigan began copying the adjustable safety line of the present invention and its method of use. A copy of a photo of the North Starr safety line, which is identical to the adjustable safety line of the present invention, is attached hereto as Exhibit 2. Thus, as the North Starr device includes at least a sliding rope coupler comprising a prusik hitch coupled to a standing rope line, the North Starr device can be used to practice the claimed method of the present invention.

6. Since Summit began selling its adjustable safety line, Lone Wolf of Milwaukee, Wisconsin began copying the adjustable safety line of the present invention and its method of use. A copy of a photo of Lone Wolf's safety line, the Lone Wolf Caribiner & Rope Assembly, and instructions for use are attached hereto as Exhibit 3. The Lone Wolf Caribiner & Rope includes at least a sliding rope coupler comprising a prusik hitch coupled to a standing rope line, which can be used to practice the claimed method of the present invention.

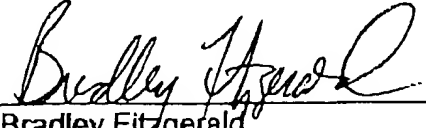
7. Since Summit began selling its adjustable safety line, Hunting Products Research, Inc., of El Dorado, Arkansas, under the brand Loggy Bayou, began copying the adjustable safety line of the present invention and its method of use. A copy of a photo of the Loggy Bayou safety line is attached hereto as Exhibit 4. The Loggy Bayou safety line includes at least a sliding rope coupler comprising a prusik hitch coupled to a standing rope line, which can be used to practice the claimed method of the present invention.

8. Since Summit began selling its adjustable safety line, The Hunter Safety System of Danville, Alabama began copying the adjustable safety line of the present invention and its method of use. A copy of a photo of The Hunter Safety System safety line is attached hereto as Exhibit 5. The Hunter Safety System's safety line includes at least a sliding rope coupler comprising a prusik hitch coupled to a standing rope line, which can be used to practice the claimed method of the present invention.

9. The adoption and copying by Summit's competitors, namely North Starr, Lone Wolf, Hunting Products Research, Inc. (Loggy Bayou), and Hunter Safety Systems, of the invention disclosed and claimed in the present application is evidence of its non-obviousness in view of the prior art.

10. None of these competitors were selling such an adjustable safety line until the introduction by Summit (the assignee of this patent application) of this invention into the market. In just four years, these four (4) competitors have copied this design.

11. I further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine, imprisonment, or both, under 35 U.S.C. Title 18 § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.


Bradley Fitzgerald
Title: Production Engineer
Summit Treestands, LLC

Executed on: May 15, 2006



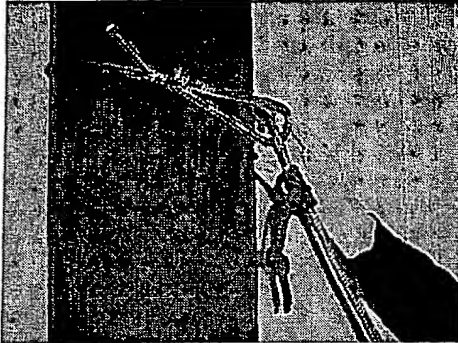
EXHIBIT 1

Instructions for using the Safety Rope

WARNING!

When attaching the safety line to the tree, be sure the adjustable prussic hitch has been completely inserted through the loop at the end of the safety rope as shown in (FIG 7).

FIG 7



This must be done **BEFORE** you begin to climb with a climbing treestand. Always adjust the safety rope to minimize the slack. **NEVER** allow more than 36 inches total combined slack in the rope and tether strap. The more slack you have in the safety line, the farther you will fall. This may result in injury or prevent you from returning to the tree stand after falling.

The adjustable prussic hitch should be snug to the safety line. It should be tight when sliding it on the safety rope. If necessary, gently pull on the prussic loop to increase the tension of the prussic on the safety rope.

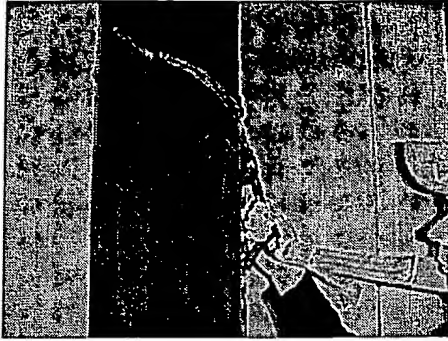
1. Put the loop end of the safety rope around the tree.
2. Thread the knot end and the adjustable prussic hitch all the way through the loop end of the safety rope (FIG 7).
3. Open the prussic hitch loop and insert the harness tether safety clip through this loop as shown in (FIG 8). **Screw the locking collar completely closed to secure the safety clip.**

FIG 8



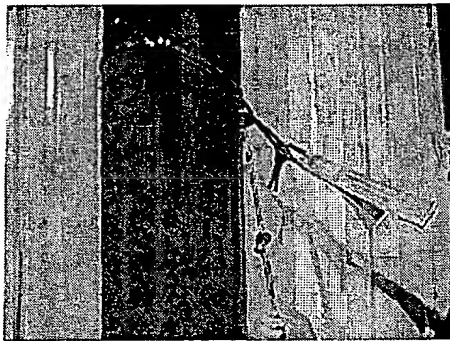
4. Slide the adjustable prussic hitch up the safety rope to a comfortable hunting position and pull on the end of the prussic hitch to secure it to the safety rope see (FIG 9).

FIG 9



5. Tie an overhand knot in the safety rope about a foot under the prussic hitch (FIG 10). This will help maintain your position on the safety rope in the event of a fall.

FIG 10



6. This is an adjustable safety rope. Always adjust the safety rope to minimize the slack needed for hunting. **NEVER** allow more than 36 inches total combined slack in the rope and tether strap (FIG 11). The more slack you have in the safety line, the farther you will fall. This may result in injury or prevent you from returning to the tree stand after falling.

FIG 11



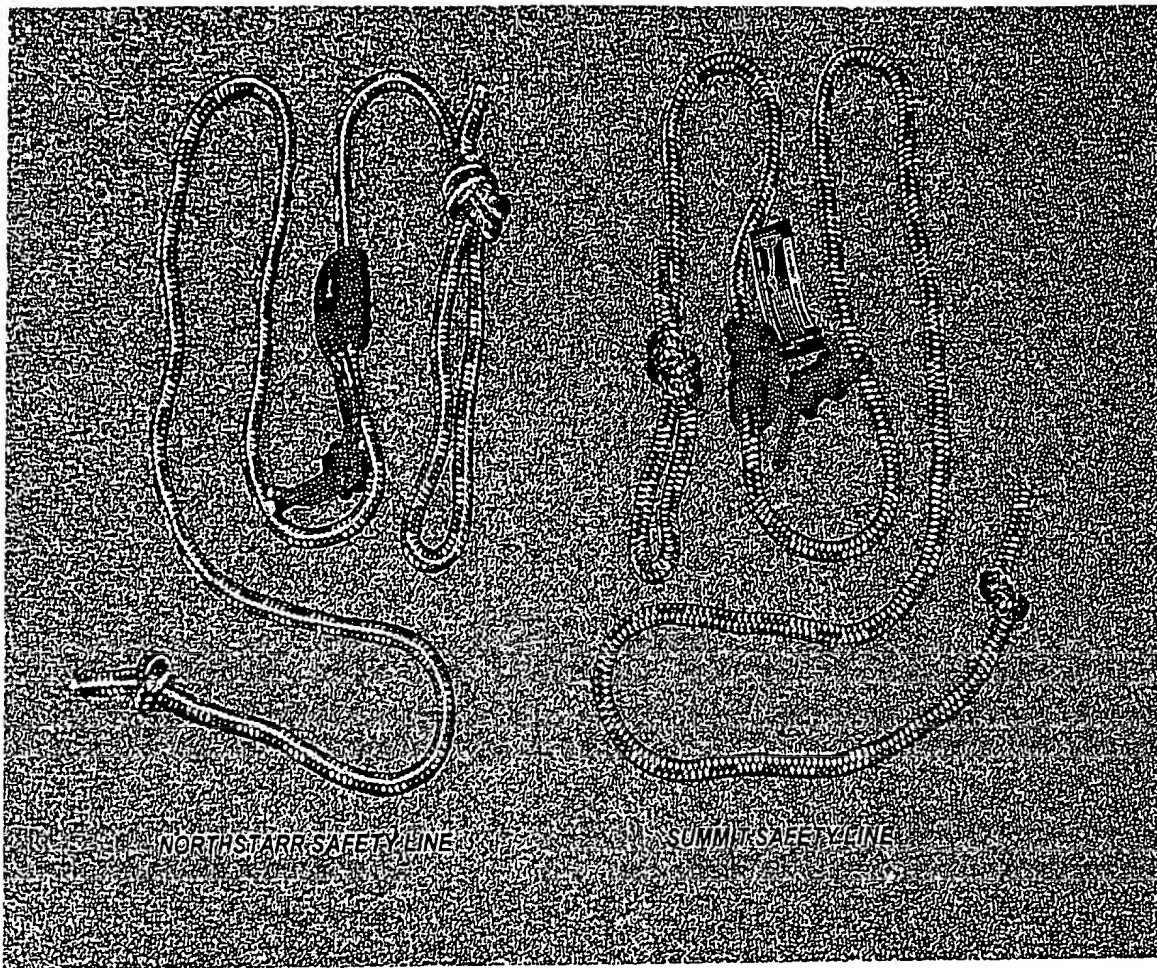


EXHIBIT 2

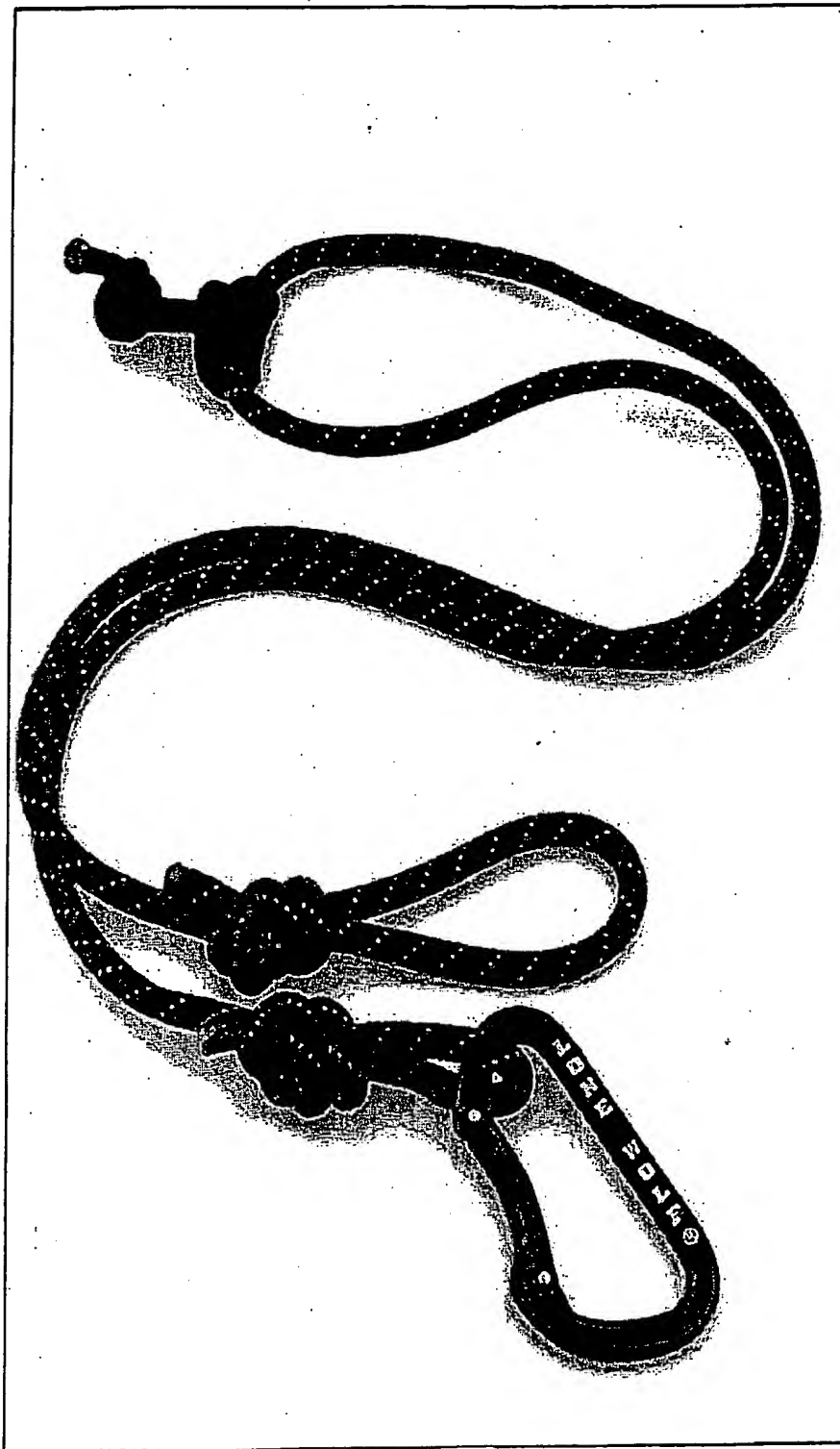


EXHIBIT 3

LONE WOLFTM



PORTABLE TREE STANDS

PRODUCT LINE INSTRUCTIONS

WARNING:

Failure to respect any of these warnings can result in severe injury or death.

- Make sure you have read and understand all instructions.
- Practice first at ground level.
- You are responsible for your own actions and decisions.
- Familiarize yourself with your equipments capabilities and limitations.
- Do not use while intoxicated or when taking medications that cause drowsiness.
- Do not attach to rotten, loose bark or dead trees, metal or utility poles.
- Avoid use during wet or icy conditions, or during lightning storms.
- Do not attempt to alter product in any way.
- Maximum load is 350 pounds.

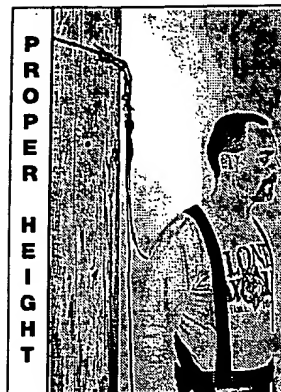
GENERAL MAINTENANCE

- Inspect before each use.
- Replace every 5 years.
- Replace after arresting a fall.
- Or earlier if belts or ropes are cut or worn.

If you do not understand any of these instructions,
please call Customer Service or visit our web site.

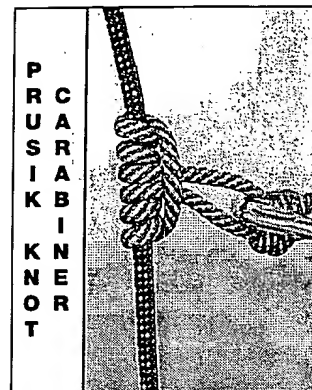
Lone Wolf Inc. • 5411 S. 9th Street
Milwaukee, WI 53221 • 1-414-744-4984
www.lonewolfstands.com

KEY POINTS:



PROPER
HEIGHT

The proper height to attach rope around tree is a height which will result in a tight tether when in a seated position.

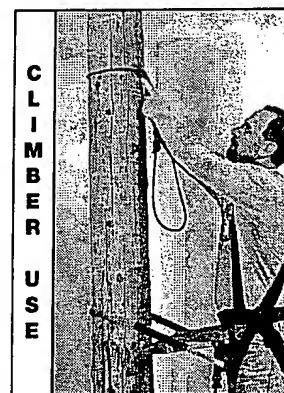


PRUSIK
KNOT

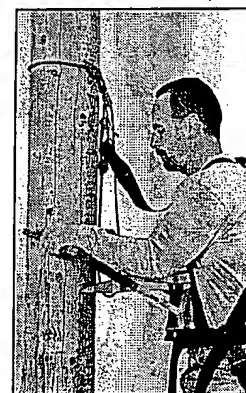
Always make sure your prusik knot has six (6) loops. Do not remove carabiner from prusik knot.



Always attach small loop on rope to carabiner prior to attaching back harness strap.



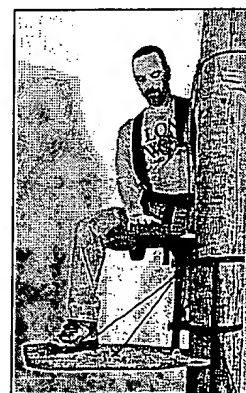
CLIMBER
USE



Always connect to tree before leaving ground. Always move tree attachment before advancing climbing stand in a frequency consistent with keeping the tether as short as possible to reduce length of a possible fall.



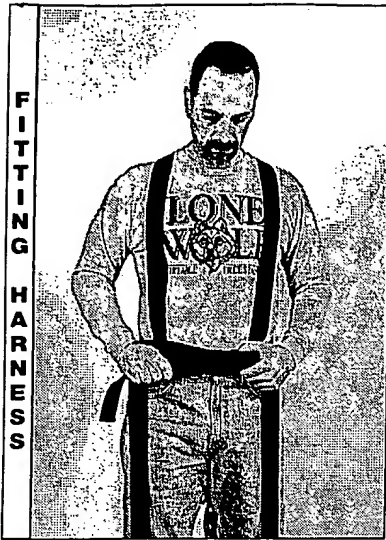
HANG
ON
USE



Always connect to tree before setting stand. Attachment should be at a height to allow you to step onto stand. The final height adjustment is made after you step onto platform (see first key point).

LL ARREST SYSTEM INSTRUCTIONS

FITTING HARNESS



STEP 1: Place harness on shoulders. Thread belt through waist buckle.



STEP 2: Adjust leg straps with slide. Hook should be level with waist belt.

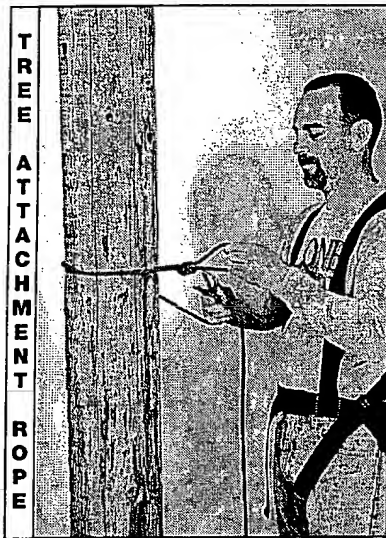


STEP 3: Reach under belt with one hand and pull hook under waist belt.

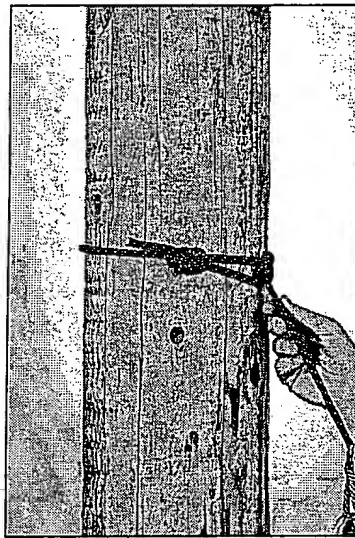


STEP 4: Place hook on top of waist belt. As shown. Repeat steps 2 3 4 on opposite side.

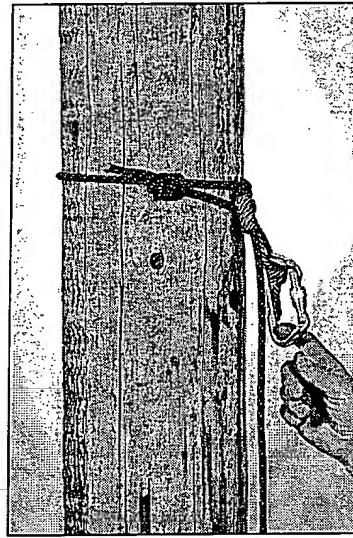
TREE ATTACHMENT ROPE



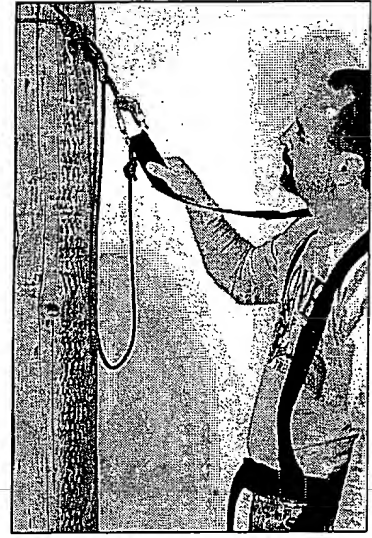
STEP 1: Wrap rope around tree. Thread carabiner and prusik knot through large loop, go through 2 times.



STEP 2: Pull rope tight as shown,

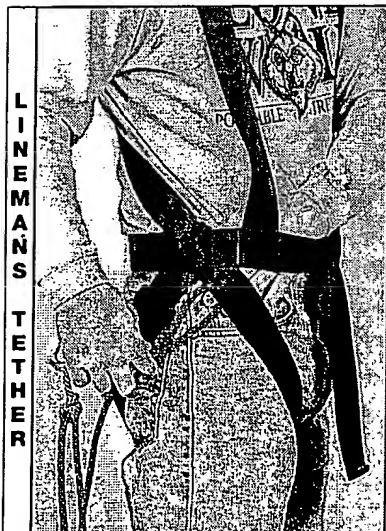


STEP 3: Slide prusik knot up to loop and pull on carabiner to make sure prusik knot is locking on to larger rope

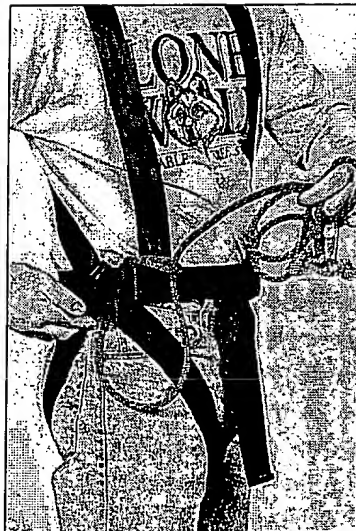


STEP 4: Attach remaining small loop and back harness strap on to carabiner.

LINE MAN'S TETHER



STEP 1: Place rope tether large loop under waist belt as shown.



STEP 2: Thread remainder of rope and carabiner through large loop and pull tight.



STEP 3: Wrap rope and carabiner around tree.



STEP 4: Hook carabiner through waist belt buckle loop (slide prusik knot for adjusting length).

6-Point Fall Arrest System

**LONE
WOLF**
THEY CALL IT A HITCHHIKER
YOUR SILENT PARTNER

Finally, a 6-point fall arrest system that's good enough to call a **Lone Wolf**.

Easy to use and quick to set up, there's simply no reason NOT to use one every time you climb, sit and descend from the stand.

FEATURES:

- Heavy-duty nylon construction
- Fully adjustable for a customized fit
- Quick-set leg clasps, no straps to thread in the dark!
- 350-pound rating
- TMA approved
- **LIGHTWEIGHT!** A third the weight of other harness systems



Quick-Set Leg Clasp

No more strap adjustments or buckles to thread in the dark. The Quick-Set Leg Clasps hook onto the waist strap, one easy step.



Stay Connected

The carabiner/rope attach system assures a rock solid connection.



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